

Appl. No. 09/596,287

Attorney Docket No. 10543-014

## **II Remarks**

In response to the Office Action mailed June 22, 2004, kindly enter the foregoing amendment and consider the following remarks. Pursuant to 37 CFR §1.112, Applicant requests reconsideration of each and every ground of rejection set forth in the Office Action.

The Office Action and the references cited therein have been carefully considered. In this Amendment, claims 15, 20 and 28 have been canceled and claims 12, 16 and 29 have been amended. Thus claims 1-7, 9-12, 14, 16, 19, 21, 22, 24-27 and 29 are pending and are at issue herein. In view of these amendments and the following remarks, favorable reconsideration of this application is requested.

### **ALLOWABLE SUBJECT MATTER**

The Applicant would like to thank the Examiner for indicating patentable subject matter. Specifically, the Examiner noted on page 5 of the Office Action that claims 1-7, 9-11 and 22 are in condition for allowance, and that claims 20, 21, 28 and 29 are allowable but are objected to as being dependent upon a rejected base claim. It is gratefully acknowledged that the combination of determining a road surface condition based on a road surface type which corresponds with the vehicle position signal and the proximate weather condition, and enhancing the performance of the vehicle control system based thereon, is not taught by the prior art.

Accordingly, the Applicant has amended independent claims 12 and 16 to include subject matter indicated as allowable by the Examiner in order to speed the present application to issuance without further delay, and not for any reasons related to patentability.

### **CLAIM REJECTIONS UNDER 35 USC §112**

Claim 15 stands rejected under 35 U.S.C. §112, second paragraph. As claim 15 has been cancelled, the rejection thereto is considered moot. Withdrawal of the rejection is respectfully requested.

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CLAIM REJECTIONS UNDER 35 USC §103

Claims 12, 14, 16, 19 and 24-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hiwatashi (U.S. Pat. No. 6,094,614) in view of LeFebvre, et al. (U.S. Pat. No. 5,612,882). First, the Applicant notes that independent claims 12 and 16 have been amended to include subject matter indicated as allowable by the Examiner. Accordingly, all the claims rejected under 35 U.S.C. §103 are in condition for allowance, and favorable consideration is respectfully requested.

Even assuming the propriety of the combination of the LeFebvre reference with the Hiwatashi reference, all elements of independent claims 12 and 16 are not met. The Hiwatashi reference discloses a road friction coefficient estimating apparatus which can be used by control systems such as an anti-lock brake system, a traction control system or a stability system. The Examiner asserts it would be obvious to modify the Hiwatashi reference with LeFebvre in order to perfectly guide one user to a specified destination with a special caution, since the LeFebvre reference teaches modifying the navigational guidance based in part on the road type and the weather.

However, the LeFebvre reference only teaches modifying an increment factor based on these elements, the increment factor being a weighting that will affect when a maneuvering instruction is given to a user (col. 4, lines 11-13). Thus, even if the coefficient of friction estimating apparatus of Hiwatashi included a navigational guidance system of the LeFebvre reference, there is no teaching as to how the increment factor (used for timing of navigational instruction) can be incorporated into a determination of road friction coefficient. Accordingly, the combination proposed by the Examiner is unworkable. Thus, the Applicant is filing this amendment in response not for reasons related to patentability, but to speed the application to issuance.

For all these reasons, favorable reconsideration of independent claims 12 and 16, as well as their dependent claims, is respectfully requested.

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CONCLUSION

In view of the preceding amendments and remarks, the Applicant respectfully submits that the specification is in order and that all of the claims are now in condition for allowance. If the Examiner believes that personal contact would be advantageous to the disposition of this case, the Applicant respectfully requests that the Examiner contact the Attorney of the Applicant at the earliest convenience of the Examiner.

Applicant has calculated no fees to be presently due in connection with the filing of this Paper. However, Applicant has authorized charging of any fee deficiency to the deposit account of Applicant's assignee, Vision Global Technologies, Inc., as indicated in the Transmittal accompanying this Statement.

9/10/04

Date

Respectfully submitted,



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